

**ALBUQUERQUE-BERNALILLO COUNTY  
AIR QUALITY CONTROL BOARD**

**IN THE MATTER OF THE PETITION TO  
AMEND TITLE 20, CHAPTER 11 OF THE  
NEW MEXICO ADMINISTRATIVE CODE  
TO REQUIRE REVIEW AND  
CONSIDERATION OF HEALTH,  
ENVIRONMENT AND EQUITY IMPACTS,**

**AQCB PETITION NO. 2022-3**

**MOUNTAIN VIEW NEIGHBORHOOD  
ASSOCIATION, MOUNTAIN VIEW  
COMMUNITY ACTION, AND FRIENDS  
OF VALLE DE ORO,**

**PETITIONERS.**

**DRAFT ORDER FOR CONSIDERATION AT JUNE 14 AQCB MEETING**

**ORDER GRANTING MOTION FOR ALTERNATIVE RECORD**

The Bernalillo County/ City of Albuquerque Air Quality Control Board (“AQCB or the Board”) reviewed Petitioner's Motion for Alternative Record, Environmental Health Department Response, and Petitioner’s reply and considered oral arguments by the parties on the Motion at the Board meeting on April 12, 2023. The Board granted the motion in part, reserving the issue of whether to permit an alternative record for the prehearing proceedings and the formal rulemaking hearing. The Chair and the Board Attorney met with the Director of the Environmental Health Division to discuss this issue. The full Board discussed the issue at the May 10 meeting. The Board asked the Board attorney to produce a draft motion granting the motion and discussed it again at the June 14, 2023 Board meeting. The Board voted \_\_\_\_\_ to grant the motion.

The Board finds the following:

- 1) The Board has discretion under NMAC 20.11.82.29 to allow for an alternative method of recording the proceedings in this matter.
- 2) A Zoom recorded meeting has been used by the Board to create a record of its meeting for over three years and it has proven reliable, except for occasional technical glitches and in one instance the Zoom meeting was hacked so that the meeting had to end.
- 3) The Director of the Environmental Health Division agreed to obtain and pay for a Court Reporter to create a transcript as a backup record for Board meetings at which motions on the rulemaking are discussed and decided and for the rulemaking proceedings.
- 4) There will be a Zoom record of the first prehearing meeting during which members of the public will make public statements for the parties to consider. The rest of the preheating meetings will not be recorded to protect confidentiality and to encourage frank discussion.
- 5) The Board Liaison is available to make arrangements for a court reporter.
- 6) The Zoom recording of the proceedings will be the official record, and any transcripts to be paid for by the parties, as necessary, will be a back-up record.
- 7) It is further ORDERED that the approved minutes of the April 12, May 10, and June 14 meeting shall be filed as part of the record of these proceedings as required by NMAC 20.11.82.6 (T).
- 8) This Order shall be electronically served on all parties, with a request to confirm receipt, and filed in the record of the proceedings.

SO ORDERED,

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Maxine Paul, AQCB Chair

Date:

Certificate of Service by Hearing Clerk